

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DEMETRIUS WARE,

Defendant.

2:20-CR-029-RFB-BNW

Preliminary Order of Forfeiture

This Court finds Demetrius Ware pled guilty to Counts One and Two of a Two-Count Criminal Indictment charging him in Count One with prohibited person in possession of a firearm in violation of 18 U.S.C. § 922(g)(1) and 922(g)(9) and in Count Two with possession of a firearm in a school zone in violation of 18 U.S.C. § 922(q)(2)(A). Criminal Indictment, ECF No. 1; Change of Plea, ECF No. __; Plea Agreement, ECF No. __.

This Court finds Demetrius Ware agreed to the forfeiture of the property set forth in the Plea Agreement and the Forfeiture Allegation of the Criminal Indictment. Criminal Indictment, ECF No. 1; Change of Plea, ECF No. __; Plea Agreement, ECF No. __.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (b)(2), the United States of America has shown the requisite nexus between property set forth in the Plea Agreement and the Forfeiture Allegation of the Criminal Indictment and the offenses to which Demetrius Ware pled guilty.

The following property is any firearm or ammunition involved in or used in any knowing violation of 18 U.S.C. § 922(g)(1) and 922(g)(9) or any willful violation of 18

1 U.S.C. § 922(q)(2)(A), and is subject to forfeiture pursuant to 18 U.S.C. § 924(d)(1) with 28
2 U.S.C. § 2461(c):

- 3 1. a Ruger EC9s semiautomatic 9mm handgun, bearing serial number
4 454-58800; and
- 5 2. any and all compatible ammunition
6 (all of which constitutes property).

7 This Court finds that on the government's motion, the Court may at any time enter
8 an order of forfeiture or amend an existing order of forfeiture to include subsequently
9 located property or substitute property pursuant to Fed. R. Crim. P. 32.2(e) and
10 32.2(b)(2)(C).

11 This Court finds the United States of America is now entitled to, and should, reduce
12 the aforementioned property to the possession of the United States of America.

13 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND
14 DECREED that the United States of America should seize the aforementioned property.

15 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory
16 rights, ownership rights, and all rights, titles, and interests of Demetrius Ware in the
17 aforementioned property are forfeited and are vested in the United States of America and
18 shall be safely held by the United States of America until further order of the Court.

19 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States
20 of America shall publish for at least thirty (30) consecutive days on the official internet
21 government forfeiture website, www.forfeiture.gov, notice of this Order, which shall
22 describe the forfeited property, state the time under the applicable statute when a petition
23 contesting the forfeiture must be filed, and state the name and contact information for the
24 government attorney to be served with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6)
25 and 21 U.S.C. § 853(n)(2).

26 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any
27 individual or entity who claims an interest in the aforementioned property must file a
28 petition for a hearing to adjudicate the validity of the petitioner's alleged interest in the

1 property, which petition shall be signed by the petitioner under penalty of perjury pursuant
2 to 21 U.S.C. § 853(n)(3) and 28 U.S.C. § 1746, and shall set forth the nature and extent of
3 the petitioner's right, title, or interest in the forfeited property and any additional facts
4 supporting the petitioner's petition and the relief sought.

5 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any,
6 must be filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas,
7 Nevada 89101, no later than thirty (30) days after the notice is sent or, if direct notice was
8 not sent, no later than sixty (60) days after the first day of the publication on the official
9 internet government forfeiture site, www.forfeiture.gov.

10 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the
11 petition, if any, shall be served upon the Asset Forfeiture Attorney of the United States
12 Attorney's Office at the following address at the time of filing:

13 Daniel D. Hollingsworth
14 Assistant United States Attorney
15 James A. Blum
16 Assistant United States Attorney
17 501 Las Vegas Boulevard South, Suite 1100
18 Las Vegas, Nevada 89101.

17 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice
18 described herein need not be published in the event a Declaration of Forfeiture is issued by
19 the appropriate agency following publication of notice of seizure and intent to
20 administratively forfeit the above-described property.

21 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk
22 send copies of this Order to all counsel of record.

23 DATED _____, 2020.

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26 _____
27 RICHARD F. BOULWARE, II
28 UNITED STATES DISTRICT JUDGE